

Hearing Aid Dispensers Advisory Committee Meeting

Department of Consumer Affairs
1625 North Market Blvd, 3rd Floor Suite 318
San Francisco Room
Sacramento, CA 95834

Friday July 20, 2007

Agenda Item I- Call to Order & Roll Call

New Advisory Committee Member Deborah Martin was sworn into office prior to meeting.

Mr. Robert Puleo called meeting to order at 10:07. Roll call was taken and a quorum was present.

Members Present:

Ms. Judith Horning
Mr. Randall Sager
Mr. Deane Manning
Ms. Marta Carrera
Ms. Deborah Martin

Not in attendance:

Ms. Juanita Sendejas-Lopez

Staff Present:

Mr. Robert Puleo, Acting Bureau Chief
Ms. Norine Marks, Bureau Legal Counsel
Ms. Dianne Dobbs, Bureau Legal Counsel
Ms. Yvonne Crawford, Hearing Aid Dispensers Bureau
Ms. Debbie Newcomer, Hearing Aid Dispensers Bureau
Ms. Linda Brown, Telephone Medical Advice Services Bureau

Mr. Puleo introduced Deborah Martin, as a new Advisory Committee Member, recently appointed. A brief personal and work history was given.

Agenda Item II-Approval of the July 20, 2007 Meeting Minutes

A change to the minutes was recommended by Ms. Marks for Mr. Puleo's title to "Acting" Bureau Chief was noted.

A motion to approve the minutes from the July 20, 2007 Advisory Committee Meeting was made by Mr. Manning, and Mr. Sager seconded the motion. Motion passed.

Agenda Item III- Bureau Update

Mr. Puleo gave an update on the Hearing Aid Dispensers Bureau recent move within the building. This is a temporary move. Mr. Puleo went over the Budget Update.

Mr. Puleo introduced Ms. Dobbs who will be new Bureau Legal Counsel replacing Ms. Marks.

Mr. Puleo announced that as of July 1, 2007, Debbie Newcomer was a permanent employee of the Bureau.

Agenda Item IV- Nomination & Election of a Chair & Vice-Chair

Ms. Horning nominated Mr. Sager to be Chair of the Hearing Aid Dispensers Advisory Committee, and the second was made by Ms. Carrera. Mr. Manning volunteered to be the Vice-Chair. There was no opposition either of the appointments.

Agenda Item V- Consumer Outreach

Ms. Crawford and Mr. Puleo recently attended a senior seminar outreach event, "Buyer Beware" in Sacramento. While at the outreach event, they did a presentation, and handed out information to consumers. The Bureau is tentatively scheduled to attend another event in Eureka. The Complaint Mediation Unit of DCA also does outreach for the Bureau, and recently attended an event in Pomona & Colton.

Agenda Item VI--Advertising Guidelines

Mr. Puleo mentioned that at the last meeting it was suggested that a subcommittee be established for advertising guidelines. The subcommittee would be comprised of two members. The purpose of the subcommittee is to review advertising complaint history in order to develop recommendations for advertising guidelines, laws & regulations, etc. The subcommittee can meet in Sacramento or by teleconference. Ms. Crawford explained the need for the subcommittee and said we have had a number of advertising complaints. It was asked if the subcommittee would be getting all the complaints that were submitted, and Ms. Crawford assured them they would not. The main need is to make sure the advertising guidelines are clear and understood by the dispensers.

Ms. Marks mentioned that the purpose is to see if the type of complaints the Bureau receives, are covered in the guidelines adequately. Ms. Crawford didn't expect the subcommittee to be ongoing, but it would depend on what the subcommittee finds.

Ms. Martin asked if specific complaints would be listed. The Bureau will likely provide a summary of advertising complaints to the subcommittee, without names of licensees.

Trish Hunter asked if possible regulatory changes could be responsible for the guidelines not being understood?

Ms. Carrera & Ms. Horning volunteered to review the advertising guidelines.

The California Academy of Audiology asked if they should have a representative there as well, and Ms. Marks responded that the subcommittee could invite a non-committee member. Discussion continued regarding whether non-members should be invited or even attend, due to the fact that complaints are not public, we would have to announce the meeting. Could we invite someone from the California Academy of Audiology & Hearing HealthCare Providers, etc. yet not invite the public and would we be doing something inappropriate by doing so?

Ms. Marks said she didn't have concerns about inviting the public to a subcommittee meeting, but some content may not be public information.

Mr. Manning suggested general complaints could educate Hearing Aid Dispensers and also educate the public. It was also mentioned that non-professionals are unfamiliar with language/lingo, and the language may be misleading to consumers.

Mr. Sager suggested that the subcommittee include two members (Ms. Carrera & Ms. Horning) and they decide how to proceed. The two subcommittee members will meet with Ms. Crawford to determine whether to invite others.

Agenda Item VII--Draft Regulations-Review & Approval

Ms. Brown reviewed the changes to regulations regarding the Bureau. Agenda Item VII-A-Revised- the new language was explained as to be in compliance with (SB 362 from 2003) that raised the maximum amount of citations. Several changes were explained to the committee. Changes were made to address the most egregious of offenses, & Medi-Cal & Medicare fraud. The

changes were made to make the language consistent with the other Boards & Bureaus. The Bureau hasn't issued many citations in the past. Mr. Puleo noted that if a Hearing Aid Dispenser committed the same violation against 20 different people that person could be fined 20 different times.

Mr. Manning noted that (d) (4), which enhances the penalty for violations involving a minor, elder, or dependent adult, or a person with a physical or mental disability, appears to trump about everything else, and asked for the definition of the word "elder". Better definition regarding the word "elder" was discussed, and suggestion of a better term needed.

Questions were raised by Robert Ivory of the California Academy of Audiology about the term "physical disabilities", as people with hearing loss have physical disabilities, and all health care Boards/Bureaus deal with disabilities.

Trisha Hunter said everyone doesn't have mental disabilities. The model language doesn't make sense & needs to be changed. Mr. Puleo explained this language is in the draft stage, and would have to go to agency for review. Ms. Brown said that #4 would apply to the entire population of hearing aid consumers.

Ms. Marks suggested that the word "elders" be taken out of language. Ms. Brown explained that the word change would have to go through the agency with a good explanation of why (d)(4) wouldn't work for Hearing Aid Dispensers.

Mr. Sager suggested that we make a proposal to remove (d)(4) and see if we can get it through agency.

Cindy Peffers asked if when citations are issued and fines are collected, are those fines mentioned in the budget or does it go into the General Fund? Mr. Puleo stated that there are prohibitions against using fines as means of generating revenue.

He wasn't sure if there was something that stated what the monies could be used for.

Ms. Brown reviewed changes to Agenda Item VII-B- 1399.140 - CE language and CE credit. It was noted that there are two- (f) s listed- the 2nd of which should become a (g).

Trisha Hunter stated that (e), regarding dispensers licenses that expire on or before December 31, 2008, was not clear to the readers, and Robert Ivory suggested easier wording. Currently if someone has not completed their CE hours- they can make it up the next year. After 12/31/08, the licensees will not be allowed to renew their license if CE hours are not completed for the previous year.

Conversation and questions ensued regarding why on-line courses are not approved, and it was mentioned that you could insert a DVD and walk away, yet claim you completed on-line course. As of now, no on-line courses are approved through the Hearing Aid Dispensers Bureau. On-line interactive courses might be considered for future CE credit.

Mr. Manning questioned if having professionals reread the language and make proposals, rather than the committee.

Mr. Puleo questioned if the requirement to maintain CE hours for three years should be consistent with the four years to keep records of attendance to approved CE courses?

1399.141. Approval of CE providers.

Questions were asked related to marketing being outside scope of practice?

Mr. Sager said that marketing & sales need to be removed from Sec. 1399.141 (1) (new language).

Much discussion followed regarding marketing/sales, scope of practice, and what is within scope of practice, instructor qualifications (4A suggesting anyone with certificate can teach course). Some new language within 1399.141 is from Speech Language Pathology & Audiology Board.

Ms. Crawford stated that we wanted to expand course content to include scope of practice so the Bureau would have options to not approve items that a hearing aid dispensers never does.

Mr. Puleo suggested that we see how other Health Agencies (Boards/Bureaus) handle CEs qualifications, terminology.

Discussion regarding review by experts (Hearing Aid Dispenser Advisory Committee Members) occasionally needed for a CE course being considered for approval.

Agenda Item VIIC-Examinations. The use of sharing subjects/equipment during the practical exam was explained. If a candidate taking the practical exam were to share equipment and/or subject, the delay is significant in the overall exam process. Not to mention if a subject's ear was to be damaged, they could not be used by the next person that was planning on using them as a subject. Candidates cannot serve as a subject for another candidate unless completing the entire exam first. Ms. Newcomer pointed out that the subject must be 18 years or older.

Agenda Item VIID-1399.108-Complaint Disclosure. There was discussion about what information the Hearing Aid Dispensers Bureau should & shouldn't disclose regarding complaints.

Trisha Hunter thought health care Boards & Bureaus shouldn't divulge complaints unless substantiated against dispenser. Ms. Marks said that the language came from the department.

A complaint not substantiated is not sufficient to disclose to the public. Once proven, a complaint then can be disclosed. A long discussion ensued over when the public should know that a complaint has been filed. Mr. Puleo stated that just because

we've received a complaint we're not going to report that to the public. It was noted that (d) (2)- should be Disclosure of "filed" not pending Accusation. The department has a policy for complaint disclosure but varies within the Boards and Bureaus.

Ms. Brown went over the Disciplinary Guidelines. This has been presented to the committee before, but we now have new members. Only reason for updating is the Bureau is not a Committee any longer. There aren't any substantive changes to the language.

Agenda Item VIII--Examination Updates

Ms. Newcomer reported that the June 2, 2007 practical exam was given in Sacramento, & the new exam was given with only three stations instead of four. The percentage passing was 67%. The workshops held at Office of Exam Resources were discussed, and it was mentioned that CE hours are now given for those that attend the two-day workshops, receiving 16 CE hours for the two days. We only expect to have 4 workshops in 2008 for the written exam revisions. We will be starting a new practical exam in February 2008.

Agenda Item IX--Continuing Education Course Reviews

Ms. Crawford suggested a need for a training meeting for review of CE courses that the Bureau had questions approving. Ms. Horning, Mr. Sager, & Mr. Manning volunteered to be on this review panel.

Agenda Item X--Future Advisory Committee Meetings

It was suggested by Mr. Manning that the meetings be moved to Thursday at 11:00 am instead of Fridays- due to Friday being a busy day for travel for business persons, & 11:00 am would accommodate the flights from So. CA. He cannot make the

11/2/07 meeting; therefore, it was agreed that the next meeting be scheduled for Thursday 11/8/07 at 11:00 am. Ms. Horning cannot attend that meeting as she possibly reports for jury duty on 11/7/07. Future meeting dates to be discussed at next meeting.

Agenda Item XI--Public Comment

No public comment.

Agenda Item XII--Adjournment

Meeting Adjourned at 12:57pm.

(Some tape recorder issues w/ minutes.)